

Attorney's Docket: 1998DE503/C  
Serial No.: 09/955,864  
Group: 1623

### REMARKS

The Office Action mailed March 19, 2003, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

### CLAIM STATUS

Claims 1-8 are pending in this Application. By this Amendment, Applicants have amended claim 7 and 8 to include a C<sub>12</sub> or C<sub>15-17</sub> alkyl glycidyl ether. Basis for this amendment may be found in examples 1 and 6 of the specification. Claims 1-6 have been amended to change their dependency to claim 7. Claims 9 and 10 have been cancelled. Therefore, claims 1-8 are at issue.

### Claim Rejections Under 35 USC § 112, Second Paragraph

Claims 3, 4 and 10 stand rejected under 35 USC § 112, second paragraph, as being indefinite. With respect to claims 3 and 4, the Office finds the limitation "hydrophobically modified groups" in line 16 of claims 3 and line 2 of claim 4 lacks insufficient basis. Applicants have amended the subject phrase in claims 3 and 4 to recite "alkyl modified groups", thereby conveying antecedent basis as claim 7 recites an average of 0.0012 to 1.0 alkyl group per anhydroglucose unit.

Claim 10 also stands rejected under 35 USC § 112, second paragraph; but, as it has been cancelled by the present Amendment, such rejection is now moot.

### Claim Rejections Under 35 USC § 101

Claim 10 stands rejected under 35 USC § 101. This rejection is made moot in light of the fact that claim 10 has been cancelled.

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### Double Patenting

Claim 9 stands rejected under 35 USC § 101 as claiming the same invention as that of claim 1 of US Patent 6,313,287. This rejection is now moot as claim 9 has been cancelled.

### Claim Rejections Under 35 USC § 102

Claims 1-8 stand rejected under 35 USC § 102(b) as being anticipated by Kiesewetter et al. (US Patent No. 5,358,561). This rejection is respectfully overcome.

Claim 7 and 8 have been amended to recite a process for preparing cellulose ether wherein the cellulose is etherified with a C<sub>12</sub> or C<sub>15-17</sub> alkyl glycidyl ether and a sulfonate.

The cellulose derivative disclosed by Kiesewetter does not disclose, teach, or suggest a C<sub>12</sub> or C<sub>15-17</sub> alkyl glycidyl ether. In contrast, Kiesewetter discloses only n-butylglycidyl ether.

As it is axiomatic that a § 102 rejection requires the prior art to disclose each element of an applicant's invention, it is respectfully contended that Kiesewetter does not anticipate Applicants' invention as defined by claim 7 and 8 as Kiesewetter does not disclose, or suggest the use of a C<sub>12</sub> or C<sub>15-17</sub> alkyl glycidyl ether.

Dependent claims 1-6 also stand rejected under 35 USC § 102(b) as being anticipated by Kiesewetter. For at least the reason advanced with respect to the rejection of independent claims 7 and 8, it is respectfully submitted that Kiesewetter does not anticipate claims 1-6.

In view of the foregoing, it is respectfully contended that the § 102(b) rejection has been overcome. Therefore, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection.

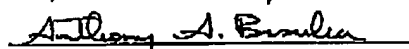
As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the

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Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, he/she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,

  
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